

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

DAVID BABB,

Plaintiff,

v.

MARK DOBBS

Defendant.

Case No. 1:22-CV-46-SNLJ

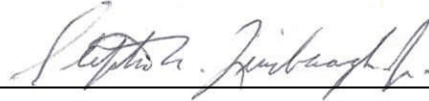
MEMORANDUM AND ORDER

Plaintiff David Babb is suing Mark Dobbs under 42. U.S.C. § 1983 for allegedly failing to provide him with adequate medical care while he was incarcerated at the Butler County Jail. On July 10, 2023 plaintiff submitted a motion for issuance of subpoena *duces tecum* to obtain the Jail's security footage from the date of the incident in question. [Doc. 27.] Given that defendant, as sitting Sheriff of Butler County, is likely to be the custodian of the security footage in question, a subpoena *duces tecum* is an improper means by which to request such footage. The proper means to request this footage is through a request to produce the footage in accordance with Rule 34 of the Federal Rules of Civil Procedure. Plaintiff may refer to Rule 34 (and particularly Rule 34(a)(1)(A)) of the Federal Rules of Civil Procedure for specific instructions on the proper method of and requirements for requesting the footage in question.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for issuance of subpoena duces tecum [Doc. 27] is **DENIED**.

Dated this 31st day of August, 2023.

A handwritten signature in black ink, appearing to read "Stephen N. Limbaugh, Jr.", is written above a horizontal line.

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE